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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN RAY,

Defendant.

Case No. 2:20-mj-1098-VCF

**ORDER to Continue the Preliminary
Hearing (Third Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Kathryn Newman, Assistant Federal Public Defender, counsel for Defendant, that the preliminary hearing in the above-captioned matter, previously scheduled for March 4, 2021, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 60 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendants are formally charged by a criminal
2 indictment.

3 2. In that regard, the government has provided defense counsel with limited
4 Rule 16 discovery in order to facilitate pre-indictment resolution. The parties are in active
5 plea negotiations and require more time to resolve this matter pre-indictment.

6 3. This continuance is not sought for the purposes of delay, but to allow the
7 parties to thoroughly vet the case and reach an agreement as to the final resolution of this
8 case.

9 4. Defendant is in custody and agrees to the continuance.

10 5. Denial of this request could result in a miscarriage of justice, and the ends of
11 justice served by granting this request outweigh the best interest of the public and the
12 defendants in a speedy trial.

13 6. The additional time requested by this stipulation is excludable in computing
14 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
15 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

16 DATED this 2nd day of March, 2021.

17 CHRISTOPHER CHIOU
18 Acting United States Attorney

19 s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
20 Counsel for the United States

21 s/ Kathryn Newman
KATHRYN NEWMAN
Assistant Federal Public Defender
22 Counsel for Defendant
23
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**UNITED STATES DISTRICT COURT
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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution, and the government has provided defense counsel with limited Rule 16 discovery for that purpose. The parties are in active plea negotiations and require more time to resolve this matter pre-indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to thoroughly vet the case and reach an agreement as to the final resolution of this case.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter, previously scheduled for March 4, 2021, at 4:00 p.m., be vacated and continued to May 10, 2021 at 4:00 PM in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.


HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE